

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

*** FILED ***
07/10/2000

06/28/2000

CLERK OF THE COURT
FORM R109B

THE HON. CRANE MCCLENNEN

C. Barr
Deputy

CR 2000-004245

FILED: _____

STATE OF ARIZONA

JAMES D NEUGEBAUER

v.

JERRY PAUL BURTON
DOB: 11/28/57

FREDERICK M AEED

APO-SENTENCINGS-CCC
APPEALS-CCC
DISPOSITION CLERK-CCC
RFR
VICTIM WITNESS DIV-CA-CCC

SUSPENSION OF SENTENCE - PROBATION GRANTED

9:26 a.m. State is represented by James Fritz for James Neugebauer. Defendant is present and represented by Frederick Aeed.

Court Reporter, Mike Wade, is present.

The Court advises the Defendant of the charge and the determination of guilt, and gives the Defendant an opportunity to speak.

Pursuant to A.R.S. Section 13-607,

THE COURT FINDS AS FOLLOWS:

WAIVER OF TRIAL: The Defendant knowingly, intelligently, and voluntarily waived his right to a trial with or without a jury, his right to confront and cross examine witnesses, his

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right to testify or remain silent, and his right to present evidence and call his own witnesses after having been advised of these rights. The determination of guilt was based upon a plea of Guilty.

Having found no legal cause to delay rendition of judgment and pronouncement of sentence, the Court enters the following judgment and sentence:

IT IS THE JUDGMENT of the Court that the Defendant is guilty of the crimes of:

OFFENSE: Count 1: Aggravated Driving or Actual Physical Control While Under the Influence of Intoxicating Liquor or Drugs, a class 4 felony, nondangerous and nonrepetitive offense in violation of A.R.S. Sections 28-1381(A)(1), 28-1383(A)(1), 28-1383(J)(K), 28-1304, 28-1444, 28-1461, 28-3001, 28-3304, 28-3305, 28-3315, 13-701, 13-702, 13-702.01 and 13-801 committed on February 25, 2000.

Upon consideration of the offense, the facts, law, and circumstances involved in this case, the Court finds that the Defendant is eligible for probation. The specific reasons for the granting of probation are stated by the Court on the record.

As punishment for this crime,

IT IS ORDERED suspending imposition of sentence and placing the Defendant on probation for Count 1 for a period of 3 years commencing June 28, 2000, under the supervision of the Adult Probation Department of this Court, in accordance with the formal Judgment and Order suspending sentence and Order imposing terms of probation signed by the Court.

As a condition of probation,

THE COURT FURTHER FINDS that the term of probation should include imprisonment in the custody of the Arizona Department of Corrections as a term of probation.

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IT IS ORDERED that the Defendant be committed to the Arizona Department of Corrections for a term of imprisonment for a period of 4 months commencing June 28, 2000.

IT IS ORDERED that if Defendant has his driver's license reinstated, he shall install a certified ignition interlock device on his vehicle for a period of 1 year. Defendant shall pay the costs for the installation and maintenance, and provide proof of the installation to the Arizona Department of Transportation and the Probation Office. Defendant shall provide proof of compliance and proof of inspection of the device to Arizona Department of Transportation every calendar quarter.

IT IS ORDERED that the Defendant pay a monthly probation service fee to the Clerk of the Superior Court of Maricopa County at a rate of \$40.00 commencing on December 1, 2000, and due on the same day of each month thereafter during the term of probation.

IT IS ORDERED that the Defendant pay an assessment in the amount of \$20.00 to the Clerk of the Superior Court of Maricopa County as follows:

Pursuant to A.R.S. Section 12-116, Defendant shall pay a fee of \$20.00 to the Clerk of the Superior Court of Maricopa County. Should Defendant pay all penalties, fines and/or sanctions in full this date, said fee is not applicable.

\$250.00 to the DUI Abatement Fund.

Payment is to be made in regular monthly payments of \$50.00 commencing December 1, 2000, and on the same day of each month thereafter until paid in full.

IT IS ORDERED granting the Motion To Dismiss Count 2.

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The written terms and conditions of probation are handed to the Defendant for explanation, acceptance and signature. The Defendant agrees to the stated waiver of extradition. The Defendant is advised concerning the consequences of failure to abide the conditions of probation.

The Defendant is advised concerning rights of review after conviction and written notice of those rights is provided.

FILED: Conditions of Probation and Notice of Rights of Review after Conviction.

cc: DOC - Certified Copy via Certification Desk
cc: MCSO-DIS - Certified Copy via Certification Desk

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Let the record reflect that the Defendant's thumbprint is permanently affixed to this sentencing order in open court.

9:30 a.m. Matter concludes.

/s/ THE HON. CRANE MCCLENNEN
JUDICIAL OFFICER OF THE SUPERIOR COURT

(thumbprint)